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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC.,  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

Case No. 19-md-02913-WHO

**STIPULATION AND ~~PROPOSED~~ ORDER  
RE BRIEFING SCHEDULE ON RULE 43  
AND RULE 32(a)(3) MOTIONS**

This Document Relates to:

*Bain v. JUUL Labs, Inc., et al.*

The undersigned parties and non-party witness jointly stipulate and agree, subject to the Court's approval, to amend the set deadlines and page limits for briefing of two motions related to testimony at trial.

WHEREAS, Plaintiff intends to file a motion for an order compelling Zachary Frankel to testify by remote contemporaneous video transmission under Rule 43(a);

WHEREAS, Plaintiff intends to file a motion for an order that the deposition of Daniel Myers may be used at trial "for any purpose" under Rule 32(a)(3);

WHEREAS, Defendants and/or Mr. Frankel intend to oppose one or both motions; and

WHEREAS, the parties and Mr. Frankel have agreed to brief these two motions before the Pretrial Conference set for May 9, 2022; and

WHEREAS, the parties met and conferred and, subject to the Court's approval, agree and stipulate as follows:

- Plaintiff shall file on or before April 25, 2022 a letter brief motion for an order compelling Zachary Frankel to testify by remote contemporaneous video transmission under Rule 43(a) and a letter brief motion to permit the use of Dan Myers' deposition for any purpose under Rule 32(a)(3);
- Defendants and/or Mr. Frankel may file separate responsive letter briefs on one or both of the two issues or before May 2, 2022; and
- Each of the letter briefs as to each separate issue will not exceed 5 pages.

NOW THEREFORE, the parties and Mr. Frankel, through their undersigned counsel, hereby stipulate, agree, and respectfully request that the Court enter an Order establishing the above deadlines and page limits.

Dated: April 25, 2022

Respectfully submitted,

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
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MARKETING, SALES PRACTICES,  
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Case No. 19-md-02913-WHO

**[PROPOSED] ORDER RE: BRIEFING  
SCHEDULE**

This Document Relates to:

*Bain v. JUUL Labs, Inc., et al.*

The Court hereby adopts the Parties' stipulations regarding deadlines and page limits for filing of the specified Rule 43 and Rule 32(a)(3) motions.

The Court ORDERS the following:

- Plaintiff shall file on or before April 25, 2022 a letter brief motion for an order compelling Zachary Frankel to testify by remote contemporaneous video transmission under Rule 43(a) and a letter brief motion to permit the use of Dan Myers' deposition for any purpose under Rule 32(a)(3);
- Defendants or Mr. Frankel may file responsive letter briefs on or before May 2, 2022; and
- Letter briefs will not exceed 5 pages.

Date: April 26, 2022

  
HONORABLE WILLIAM H. ORRICK  
United States District Judge